

REMARKS

In this paper, claims 1, 66, 78, 79, 80 and 82 are currently amended. After entry of the above amendment, claims 1-82 are pending.

An Information Disclosure Statement (IDS) accompanies this amendment. If the IDS is not in the PTO file when the examiner considers this amendment, the examiner is encouraged to contact the undersigned so that a duplicate copy may be provided.

The applicant appreciates the allowance of claims 68 and 70-73.

Claims 1, 66, 67 and 77-82 were rejected under 35 U.S.C. §102(b) as being anticipated by Wheaton (US 4,267,898). This basis for rejection is respectfully traversed.

Claims 1, 66, 78, 79, 80 and 82 have been amended to clarify that the bracket base is dimensioned for supporting the control device at least partially above the first chain stay and at least partially below the first seat stay. Wheaton discloses a motorized bicycle conversion apparatus comprising a frame assembly (23) that supports a gasoline-powered engine (38) above the rear wheel of the bicycle. There is no way that the frame assembly (23) could support any part of the motor (38) above the chain stays (19a) and (19b) and below the seat stays (16a) and (16b). Accordingly, Wheaton neither discloses nor suggests the presently claimed subject matter.

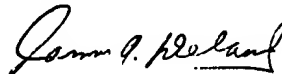
Claims 1-18, 66, 67, 69 and 77-82 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ethington (US 5,681,234) in view of Chapell (US 4,599,079). This basis for rejection is respectfully traversed.

Ethington discloses an automatic bicycle transmission wherein a power unit (50) is disposed in the triangular area between a top tube (74), a down tube (47) and an unlabeled seat tube. The power unit (50) includes cables (66) and (68) that connect to the distal end portions of respective front and rear derailleur shift levers (46) and (52). Chapell discloses an automatic derailleur shifter (12) attached to a chain stay (38). The office action indicates that it would be obvious to mount the Ethington power unit (50) to the chain stay in order to mount the power unit proximate the sensing

device for a more compact arrangement. However, there is no motivation to mount Ethington's power unit (50) on the chain stay because there is little benefit to placing the power unit (50) closer to the sensors. In fact, the proposed system would be less compact. It would require a greater length of the cable (78) that connects the power unit (50) to the controller (72) mounted on the top tube (74). Such an arrangement also would require running the connector cables (66) and (68) from the chain stays to the shift levers (46) and (52), thus creating a wiring nightmare. Functionally, the greater length of the connector cables (66) and (68) would create more play in the cables. Such a placement also would require the connector cables (66) and (68) to exit the power unit case at a more acute angle, thus increasing friction and wear on the cables, and the connector cables (66) and (68) would have to cross over to one side of the bicycle and be retained away from the wheel. Finally, the resulting connector cables (66) and (68) would be more exposed such that the rider may unintentionally shift the front or rear derailleur by inadvertently contacting the connector cables (66) and (68) with his or her legs or feet.

Accordingly, it is believed that the rejections under 35 U.S.C. §102 and §103 have been overcome by the foregoing amendment and remarks, and it is submitted that the claims are in condition for allowance. Reconsideration of this application as amended is respectfully requested. Allowance of all claims is earnestly solicited.

Respectfully submitted,



James A. Deland  
Reg. No. 31,242

DELAND LAW OFFICE  
P.O. Box 69  
Klamath River, California 96050  
(530) 465-2430